

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)
)
ITT EDUCATIONAL SERVICES, INC., *et al.*¹) Case No. 16-07207-JMC-7A
)
Debtors.) Jointly Administered

**PROPOSED AGENDA OF MATTERS SCHEDULED
FOR OMNIBUS HEARING ON MARCH 20, 2019 AT 1:30 P.M.**

Deborah J. Caruso, the chapter 7 trustee in this case (the “Trustee”), by counsel, pursuant to the *Notice, Case Management and Administrative Procedures* (the “Case Management Procedures”) approved by the Court on October 4, 2016 [Doc 220], submits this proposed agenda for the matters scheduled for the omnibus hearing on March 20, 2019 at 1:30 p.m. (prevailing Eastern time) (the “Hearing”). The Trustee anticipates the matters before the Court for the Hearing will take approximately one (1) hour.

I. DIAL-IN INFORMATION

The dial-in telephone number for interested parties to participate in the Hearing by conference call is 1-800-920-7487; passcode 87599521#. Interested parties planning on participating in the Hearing by conference call shall notify the Court before the Hearing by contacting Heather Butler (heather_butler@insb.uscourts.gov or 317-229-3833) or Suzette Bewley (suzette_bewley@insb.uscourts.gov or 317-229-3862).

II. MATTERS SCHEDULED TO BE HEARD AT HEARING

Lead Bankruptcy Case (Case No. 16-07207)

1. *Notice of Invoices for Faegre Baker Daniels LLP’s Fees and Expenses for the Period January 1, 2019 through January 31, 2019 (To Be Paid by Debtors’ Estate)* [Doc 3226], filed by Faegre Baker Daniels LLP.

¹ The debtors in these cases, along with the last four digits of their respective federal tax identification numbers are ITT Educational Services, Inc. [1311]; ESI Service Corp. [2117]; and Daniel Webster College, Inc. [5980].

- **Status:** No objections filed by the February 26, 2019 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [**Doc 1569**], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.
- 2. *Notice of Invoices for Faegre Baker Daniels LLP's Fees and Expenses for the Period January 1, 2019 through January 31, 2019 (To Be Paid by Debtors' Pension Plan)* [**Doc 3227**], filed by Faegre Baker Daniels LLP.
 - **Status:** No objections filed by the February 26, 2019 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [**Doc 1569**], Faegre Baker Daniels has or will receive in the near future payment of its requested fees and expenses from the respective sources indicated in the notice. Not going forward at the Hearing.
- 3. *Notice of Invoice for BGBC Partners, LLP's Fees and Expenses for the Period of January 1, 2019 through January 31, 2019* [**Doc 3228**], filed by BGBC Partners, LLP.
 - **Status:** No objections filed by the February 26, 2019 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [**Doc 1569**], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.
- 4. *Request and Application of Catherine Street Associates, LLC for Allowance and Payment of an Administrative Expense Claim Pursuant to 11 U.S.C. §§ 365(d)(3) and 503(b)(1)* [**Doc 3202**], filed by Catherine Street Associates, LLC.
 - **Status:** No objections filed by the March 13, 2019 objection deadline. The Trustee raised an informal objection to the application, which has been resolved pursuant to an agreed upon proposed order that the parties have submitted to the Court. Going forward at the Hearing.
- 5. *Trustee's 12th Omnibus Motion to Compromise and Settle Avoidance Claims in the Gross Amount of \$50,000.01 or More* [**Doc 3248**], filed by the Trustee.
 - **Status:** No objections filed by the March 13, 2019 objection deadline. Going forward at the Hearing.
- 6. *Trustee's Motion for Authority to Pay Certain Secured Personal Property Tax Liabilities* [**Doc 3253**], filed by the Trustee.
 - **Status:** Uncontested at this time. Objections due by 4:00 p.m.

(prevailing Eastern time), March 19, 2019. Going forward at the Hearing.

7. Continued hearing on *Motion to Confirm Absence of Stay and for Reconsideration* [Doc 356], filed by the Commonwealth of Massachusetts and the State of New Mexico.
 - *Trustee's Objection to Motion to Confirm Absence of Stay and for Reconsideration* [Doc 504], filed by the Trustee.
 - *Response to Trustee's Objection to Motion to Confirm Absence of Stay and for Reconsideration* [Doc 543], filed by the Commonwealth of Massachusetts and the State of New Mexico.
 - **Status:** The Trustee will provide an update to the Court at the Hearing regarding the proposed continuation of the stay on a consensual basis to July 1, 2019. The Trustee will request on the record that this matter be continued to the omnibus hearing on June 12, 2019 at 1:30 p.m. If granted, not going forward at the Hearing.

Caruso v. Consumer Financial Protection Bureau, et al. (AP No. 16-50318)

1. Continued final hearing on the *Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors* [Doc 3], filed by the Trustee.
 - *Objection to Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors* [Doc 19], filed by the Attorney General for the Commonwealth of Massachusetts and the State of New Mexico.
 - *Consumer Financial Protection Bureau's Objection to Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors* [Doc 21], filed by the Consumer Financial Protection Bureau.
 - *Opposition of Securities and Exchange Commission to Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors* [Doc 22], filed by the United States Securities and Exchange Commission.
 - *Trustee's Reply in Support of Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors* [Doc 23], filed by the Trustee.

- *Consumer Financial Protection Bureau's Supplemental Objection to Trustee's Motion to Stay [Doc 76]*, filed by the Consumer Financial Protection Bureau.
- *Supplemental Objection to Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 84]*, filed by the Attorney General for the Commonwealth of Massachusetts.
- *Trustee's Supplement to Reply in Support of Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 87]* filed by the Trustee.
- *Agreed Entry Resolving Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors with Respect to Consumer Financial Protection Bureau [Doc 98]*, filed by the Trustee and the Consumer Financial Protection Bureau.
- **Status:** The Trustee will provide an update to the Court at the Hearing regarding the proposed continuation of the stay on a consensual basis to July 1, 2019. The Trustee will request on the record that this matter be continued to the omnibus hearing on June 12, 2019 at 1:30 p.m. If granted, not going forward at the Hearing.

Caruso v. Student CU Connect CUSO, LLC et al. (Adversary No. 17-50101)

1. Continued hearing on *Motion to Dismiss Complaint with Prejudice of Defendants Student CU Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union [Doc 20]* filed by Student CU Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union and *Defendant CommunityAmerica Credit Union's Motion to Dismiss and Brief in Support [Doc 22]*, filed by CommunityAmerica Credit Union.
 - *Memorandum of Law in Support of Motion to Dismiss Adversary Complaint of Defendants Student CU Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union [Doc 21]*, filed by Student CU Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union.

- *Joinder by Defendants Elements Financial Federal Credit Union, Bellico Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union to Defendant CommunityAmerica Credit Union's Motion to Dismiss and Brief in Support [Doc 24]*, filed by Elements Financial Federal Credit Union, Bellico Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union.
- *Plaintiff's Omnibus Memorandum of Law in Opposition to Defendants' Motions to Dismiss [Doc 29]*, filed by the Trustee.
- *Defendant CommunityAmerica Credit Union's Reply Brief in Support of its Motion to Dismiss [Doc 33]*, filed by CommunityAmerica Credit Union.
- *Reply Memorandum of Defendants Student CU Connect CUSO, LLC, the Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellico Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union in Support of Their Motion to Dismiss the Adversary Complaint [Doc 34]*, filed by Student CU Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellico Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union.
- *Joinder by Defendants Elements Financial Federal Credit Union, Bellico Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union to Defendant Community America Credit Union's Reply Brief in Support of Its Motion to Dismiss [Doc 37]*, filed by Elements Financial Federal Credit Union, Bellico Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union.
- **Status:** Per the Court's March 18, 2019 Order [Doc 84], this matter has been continued to May 1, 2019 at 1:30 p.m. Not going forward at the Hearing.

Caruso v. American Express Travel Related Services Company, Inc. (AP No. 18-50239)

1. Continued status conference.

- **Status:** The Trustee will provide an update to the Court at the Hearing and will request on the record that this matter be continued to the omnibus hearing on May 1, 2019 at 1:30 p.m. (prevailing Eastern time). If granted, not going forward at the Hearing.

Caruso v. Volleyball Associates (Adversary No. 18-50182)

1. *Motion for Default Judgment [Doc 7]*, filed by the Trustee.
 - **Status:** Per the Court's March 12, 2019 Order [Doc 11], this matter has been continued to April 10, 2019 at 1:30 p.m. Not going forward at the Hearing.

Caruso v. Base Hill, Inc. d/b/a Jan Point (Adversary No. 18-50176)

1. *Motion for Default Judgment [Doc 7]*, filed by the Trustee.
 - **Status:** Per the Court's March 14, 2019 Order [Doc 11], this matter has been continued to April 10, 2019 at 1:30 p.m. Not going forward at the Hearing.

Caruso v. Solar Cleaning (Adversary No. 18-50180)

1. *Motion for Default Judgment [Doc 8]*, filed by the Trustee.
 - **Status:** Per the Court's March 15, 2019 Order [Doc 12], this matter has been continued to April 10, 2019 at 1:30 p.m. Not going forward at the Hearing.

Caruso v. Janitronics, Inc. (Adversary No. 18-50177)

1. *Amended Motion for Default Judgment [Doc 9]*, filed by the Trustee.
 - **Status:** Going forward at the Hearing.

Caruso v. Pittore Bros. Paving, LLC (Adversary No. 18-50179)

1. *Motion for Default Judgment [Doc 7]*, filed by the Trustee.
 - **Status:** Going forward at the Hearing.

Caruso v. CleanCorp (Adversary No. 18-50173)

1. *Motion for Default Judgment [Doc 16]*, filed by the Trustee.
 - **Status:** Going forward at the Hearing.

III. NOTICE

Pursuant to the Case Management Procedures, the Trustee will serve this proposed hearing agenda on the Core Group (as defined in the Case Management Procedures) and each entity who has filed and served a court filing set to be heard at the Hearing.

Respectfully submitted,

RUBIN & LEVIN, P.C.

By: /s/ Meredith R. Theisen

Meredith R. Theisen

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CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2019, a copy of the foregoing *Proposed Agenda of Matters Scheduled for Omnibus Hearing on March 20, 2019 at 1:30 p.m.* was filed electronically. Pursuant to Section IV.C.3(a) of the Case Management Procedures, notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on March 19, 2019, pursuant to Section IV.C.3(c) of the Case Management Procedures, a copy of the foregoing *Proposed Agenda of Matters Scheduled for Omnibus Hearing on March 20, 2019 at 1:30 p.m.* was emailed to the following:

Arlington ISD/Richardson ISD: Eboney Cobb at ecobb@pbfc.com
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JM Partners LLC: John Marshall at jmarshall@jmpartnersllc.com

/s/ Meredith R. Theisen

Meredith R. Theisen

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